



**SUBSTITUTE DECLARATION AND POWER OF ATTORNEY
REISSUE PATENT APPLICATION**

As the below named inventors, we hereby declare that our citizenship, residence postal addresses and residences are as stated below; that we verily believe ourselves to be the original, first and joint inventors of the invention entitled:

**AUTOMATIC AUTOMOBILE TRANSMISSION WITH
VARIABLE SHIFT PATTERN CONTROLLED IN RESPONSE
TO ESTIMATED RUNNING LOAD**

the specification of which was filed on April 23, 1998 and included original U.S. Patent No. 5,510,982, issued April 23, 1996, and amendments thereto as required by 37 C.F.R. § 1.171 et seq.

We verily believe that, as provided in 37 C.F.R. § 1.175, the original U.S. Patent No. 5,510,982 is partly inoperative because we claimed less than we had a right to claim in the patent, as indicated in particular by the scope of the additional broader claims being submitted herewith as Claims 8, 9, 10 and 11. The assignee of this patent recently discovered the error and the need for broadened claim coverage upon reviewing the patent.

All errors being corrected in this reissue application up to the time of filing of this Declaration arose without deceptive intent on the part of the Applicant.

We offer to surrender the original patent and/or provide an appropriate affidavit or declaration in the event the same is lost, upon the indication of allowability of the reissue patent application.

We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any amendment referred to above. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

ATTORNEY DOCKET NO.: 381TO/41092RE
PATENT - REISSUE DECLARATION
Page 2

Prior Foreign Application(s)	Priority Claimed		
<u>3-319205</u> (Number)	<u>Japan</u> (Country)	<u>03 December 1991</u> (Day/Month/Year)	<u>Yes</u>

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>07/985,199</u> (Application Serial No.)	<u>December 3, 1992</u> (Filing Date)	<u>U.S.P. 5,510,982</u> <u>for which this is</u> <u>reissue appln.</u> (patented 4/23/96).
--	--	---

We hereby appoint as principal attorneys:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

Evenson, McKeown, Edwards & Lenahan
1200 G Street, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 628-8800
Facsimile: (202) 628-8844

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may

ATTORNEY DOCKET NO.: 381TO/41092RE
PATENT - REISSUE DECLARATION
Page 3

jeopardize the validity of the application or any patent issuing thereon.

INVENTOR: Hiroshi OHNISHI
Citizenship: Japanese
Postal Address/Residence: 423, Eagle-Aoba, 10-1, Aoba-cho,
Hitachinaka-shi, Ibaraki-Ken, Japan /
Hitachinaka-shi, Ibaraki-ken, Japan

Dec. 12th 2000

Date

Hiroshi Ohnishi
Signature of 1st inventor

INVENTOR: Kouji KITANO
Citizenship: Japanese
Postal Address/Residence: 5-24, Hondori 1-chome,
Tadotsu-cho, Nakatado-gun,
Kagawa-ken, Japan /
Nakatado-gun, Kagawa-ken, Japan

Dec. 16 2000

Date

Kouji Kitano
Signature of 2nd inventor

INVENTOR: Mitsuo KAYANO
Citizenship: Japanese
Postal Address/Residence: 1620, Oonumaryo, 20-1,
Higashikanesawa-cho 5-chome,
Hitachi-shi, Ibaraki-ken, Japan /
Hitachi-shi, Ibaraki-ken, Japan

Dec. 12th 2000

Date

Mitsuo Kayano
Signature of 3rd inventor

ATTORNEY DOCKET NO.: 381TO/41092RE
PATENT - REISSUE DECLARATION
Page 4

INVENTOR:

Citizenship:

Postal Address/Residence:

Nobuo KURIHARA

Japanese

Hachinohe Institute of Technology,

88-1, Aza-oobiraki, Ooaza-myou

Hachinohe-shi, Aomori-ken, Japan

Hachinohe-shi, Aomori-ken, Japan

Nov. 10. 2000

Date

Signature of 4th inventor

Nobuo Kurihara

ASSIGNEE'S CONSENT

Hitachi, Ltd., Japan, assignee of the entire right, title and interest in and to U.S. Letters Patent No. 5,510,982, hereby assents to the filing of the attached application for reissue of said patent in accordance with 37 C.F.R. §1.172.

Hitachi, Ltd. Japan

January 10. 2001

Date

By:

Yasuo Sakuta

Yasuo SAKUTA, Patent Attorney
Executive Managing Director,
Intellectual Property Group
(Authorized Signing Officer)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

381 TO 41092

DATE: 04/19/93
TO:
GARY R. EDWARDS
EVENSON, MCKEOWN, EDWARDS & LENAHAN
1200 G STREET, N.W.
SUITE 700
WASHINGTON, D.C. 20005



UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR: ONISHI, HIROSHI DOC DATE: 02/02/93

ASSIGNOR: KITANO, KOUJI DOC DATE: 02/02/93

ASSIGNOR: KAYANO, MITSUO DOC DATE: 02/02/93

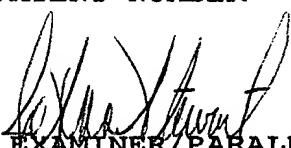
ASSIGNOR: KURIHARA, MOBUO DOC DATE: 02/02/93

RECORDATION DATE: 02/22/93 NUMBER OF PAGES 002 REEL/FRAME 6468/0019

DIGEST :ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:
HITACHI, LTD.
6, KANDA SURUGADAI 4-CHOME
CHIYODA-KU, TOKYO, JAPAN

SERIAL NUMBER 7-985199 FILING DATE 02/04/93
PATENT NUMBER ISSUE DATE 00/00/00


EXAMINER/PARALEGAL
ASSIGNMENT BRANCH
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

56216.027

ASSIGNMENT

(譲渡証)

As a below named inventor, I hereby declare that:

IN CONSIDERATION of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration paid to me citizen of Japan by HITACHI, LTD., a corporation organized under the laws of Japan, located at 6, Kanda Surugadai 4-chome, Chiyoda-ku, Tokyo, Japan, receipt of which is hereby acknowledged I do hereby sell and assign to said HITACHI, LTD., its successors and assigns, all my right, title and interest, in and for the United States of America, in and to

AUTOMATIC TRANSMISSION CONTROL SYSTEM FOR AN AUTOMOBILE

invented by me (if only one is named below) or us (if plural inventors are named below) and described in the application for United States Letters Patent therefor, executed on even date herewith, and all United States Letters Patent which may be granted therefor, and all divisions, continuations and extensions thereof, the said interest being the entire ownership of the said Letters Patent when granted, to be held and enjoyed by said HITACHI, LTD., its successors, assigns or other legal representatives, to the full end of term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by me or us if this assignment and sale had not been made;

And I hereby agree to sign and execute any further documents or instruments which may be necessary, lawful, and proper in the prosecution of the above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal, reviewed or reissue applications or in any amendment, extension, or interference proceedings, or otherwise to secure the title thereto in said assignee;

And I do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to said HITACHI, LTD.

Signed on the date(s) indicated aside signatures:

INVENTOR(S) (発明者フルネームサイン)	Date Signed (署名日)	Witnesses (立会人サイン)
1) <u>Hiroshi Ohnishi</u> Hiroshi Ohnishi	February 2, 1993	<u>Kumiko Kikuchi</u>
2) <u>Kouji Kitano</u> Kouji Kitano	February 2, 1993	<u>Kumiko Kikuchi</u>
3) <u>Mitsuo Kayano</u> Mitsuo Kayano	February 2, 1993	<u>Kumiko Kikuchi</u>
4) <u>Nobuo Kurihara</u> Nobuo Kurihara	February 2, 1993	<u>Kumiko Kikuchi</u>
5) _____	_____	_____
6) _____	_____	_____
7) _____	RECORDED U.S. PATENT & TRADEMARK OFFICE FEB 22 93	_____
8) _____	_____	_____
9) _____	_____	_____
10) _____	_____	_____

6468

0020



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/498,856 Confirmation No. : 9387
First Named Inventor : Hiroshi ONISHI
Filed : February 4, 2000
TC/A.U. : 3661
Examiner : Micahel Zanelli

Docket No. : 056210.41092CO
Customer No. : 23911

Title : Automatic Transmission Control System for an Automobile

SUPPLEMENTAL DECLARATION
REISSUE PATENT APPLICATION

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As the below named inventors, we hereby declare as follows:

We verily believe that, as provided in 37 CFR §1.175, original U.S. Patent No. 5,510,982 is partly inoperative because we claimed less than we had a right to claim in the patent. In particular, the error relied on as the basis for this Reissue Application is that each of Claims 1-7 in the original U.S. Patent is limited by a recitation of either "weight estimation means" or a step of "calculating an estimated weight of said automobile," which limitations are not included in broadened Claims 12-14 submitted and pending in the present Reissue Application. The assignee of this patent discovered the error and the need for broadened claim coverage upon reviewing the patent.

Every error in the patent which was corrected in the present Reissue Application, and is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

The original issued U.S. Patent No. 5,510,982 was surrendered to the U.S. Patent and Trademark Office on June 14, 2000 in the course of prosecuting U.S. patent application Serial No. 09/064,765, now abandoned. We have requested that the issued patent be transferred to this application.

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or

Serial No. «SERIAL»
Amendment Dated:
Reply to Office Action Mailed:
Attorney Docket No.

inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed		
<u>3-319205</u> (Number)	<u>Japan</u> (Country)	<u>03 December 1991</u> (Day/Month/Year)	<u>Yes</u>

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/064,765 (now abandoned)</u> (Application Serial No.)	<u>April 23, 1998</u> (Filing Date)
---	--

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INVENTOR: Citizenship: Post Office Address and Residence Address:	Hiroshi OHNISHI Japanese 423, Eagle-Aoba, 10-1, Aoba-cho, Hitachinaka-shi, Ibaraki-Ken, Japan
---	--

Date

Signature of 1st inventor

Serial No. «SERIAL»
Amendment Dated:
Reply to Office Action Mailed:
Attorney Docket No.

INVENTOR:
Citizenship:

Kouji KITANO
Japanese

Post Office Address and
Residence Address:

5-24, Hondori 1-chome,
Tadotsu-cho, Nakatado-gun,
Kagawa-ken, Japan

Date

Signature of 2nd inventor

INVENTOR:
Citizenship:

Mitsuo KAYANO
Japanese

Post Office Address and
Residence Address:

1620, Oonumaryo, 20-1
Higashikanesawa-cho 5-chome
Hitachi-shi, Ibaraki-ken, Japan

Date

Signature of 3rd inventor

INVENTOR:
Citizenship:

Nobuo KURIHARA
Japanese

Post Office Address and
Residence Address:

Hachinohe Institute of Technology
88-1, Aza-oobiraki, Ooaza-myou
Hachinohe-shi, Aomori-ken, Japan

Date

Signature of 4th inventor

Serial No. «SERIAL»
Amendment Dated:
Reply to Office Action Mailed:
Attorney Docket No.

ASSIGNEE'S CONSENT

Hitachi, Ltd., Japan, assignee of the entire right, title and interest in and to U.S. Letters Patent No. 5,510,982, hereby assents to the filing of the attached application for reissue of said patent in accordance with 37 C.F.R. §1.172. The person whose signature appears below is authorized to act on behalf of the assignee in signing this consent.

Hitachi, Ltd. Japan

By: _____
Date

2766255